

**REMARKS**

The present Non-Final Office Action dated March 06, 2006 has rejected all of the previously pending claims (1-19) as anticipated by one reference, US Published Patent Application Num. 2004/0255122 A1, Ingerman et al. (hereinafter “Ingerman”).

Claims 1, 16, 17, and 19 have been amended to further clarify the subject matter of the invention. Claim 18 has been canceled. No new matter has been added by way of this amendment. For at least the reasons discussed below, Claims 1-17, and 19 are now patentable over the prior art of record.

**U.S.C. 112 Rejections**

The Office Action rejected Claims 1, 16-19 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. In particular, the Office Action submits that the limitation of the independent Claims 1, 16-19, “determining an adaptive cut-off radius for a community based in part on a rate of growth for the community,” is not described in the Specification in such a way as to reasonably enable one skilled in the art to make or use the invention. The Office Action requests the Applicants clearly point out “how” to enable the limitation. In response, independent Claims 1, 16, 17 and 19 have been amended to further clarify the invention.

Amended Claim 1 now teaches determining an adaptive cut-off radius for a community based in part on a rate of growth for membership in the community that is separated by a few or less degrees. Clearly, these novel elements are taught in the Specification. For example, see pages 8-9 that describe first degree and second degree addresses as being included in the community. Also, pages 10-12 describe mechanisms for building a community where “growth” refers to the total number of friends (nodes) with relatively few degrees of separation, (“[m]ore and more emails will be coming from the first and second degrees”), and adaptively reducing the cut off radius as the mailbox matures to at least improve efficiency.

Therefore, for at least the above reasons, amended Claim 1 is enabled by the Specification, and thus Claim 1 is now in condition for allowance. Additionally, amended Claims 16, 17, and 19 recite similar, albeit different limitations as amended Claim 1, and therefore should be allowed at least for substantially similar reasons.

U.S.C. 101 Rejections

The Office Action rejected Claims 18-19 under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In response, Claim 18 has been cancelled. Also, Claim 19 has been amended to read, in part: “A computer processor readable storage media that includes executable data and program code that are executable by a computer processor for performing actions for filtering messages for a node on a network, comprising...” As amended, Claim 19 now reads in a substantially similar way in regard to the Office Action’s suggestions. Therefore, for at least this reason, amended Claim 19 is directed to statutory subject matter and in condition for allowance.

U.S.C. 102 Rejections

The Office Action rejected Claims 1-19 under 35 U.S.C. 102 (e) as being anticipated by the Ingeman reference. Furthermore, the Office Action found that each element of the claimed invention was either taught by the Ingeman reference or inherent.

As amended, Claim 1 teaches determining an adaptive cut-off radius for a community based in part on a rate of growth for membership in the community that is separated by a few or less degrees. A benefit of this novel adaptive cut-off radius is to improve efficiency for the user as the community of nodes matures.

However, nowhere in the Ingeman reference is there any discussion or suggestion that focusing on the rate of growth for the root membership (those nodes separated by a small number of degrees) is the basis for establishing a cut off radius for other members in a community.

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Clearly, Ingerman does not disclose a cut-off radius that is adaptive. In particular, Ingerman does not disclose that (1) a cut-off radius can adaptively change, or (2) the cut-off is determined based on the rate of growth for community members that are separated by a small number of degrees.

First, Ingerman teaches a cut-off radius that is fixed at approximately one-million (i.e. 32 first degree contacts with four degrees of separation:  $32^4$ ). The Office Action describes that the Ingerman environment may be configured to store 8 first degree contacts with 5 degree of separation, but the total amount of emails is still pre-configured at approximately one million ( $8^5$ ). Although Ingerman does not disclose 8 first degree contacts with 5 degree of separation, even if such a configuration was contemplated, the Ingerman cut-off is still pre-configured at approximately one-million, and does not adapt to conditions.

Second, Ingerman's disclosure and the Office Action's scenario suggest that Ingerman's cut-off is based on the number of first degree contacts and the degree of separation (e.g. 4 or 5). Although Ingerman does not describe such a scenario, the Office Action described a hypothetical in which the cut-off may be based on changes of the characteristics of the messaging environment (i.e. number of first degree and degree of separation). The Office Action suggests that the cut-off may change from  $8^5$  to  $32^4$  based on the rate of growth in the number of first degree contacts from 8 to 32.

Even if Ingerman could be read to disclose such a hypothetical, this reference still does not disclose that the adaptive cut-off is based on a rate of growth for membership in the community that is separated by a few or less degrees, as required by amended Claim 1. Thus, for at least the reasons described above, Ingerman does not anticipate amended Claim 1, which is now in condition for allowance.

Additionally, amended independent Claims 16, 17, 18, and 19, are substantially similar to amended independent Claim 1, albeit different in some ways. Consequently, these amended independent claims are at least unanticipated and non-obvious for at least the same

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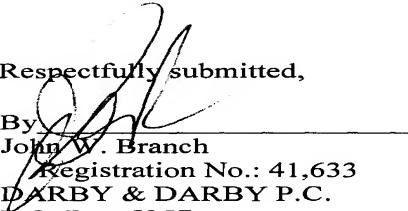
reasons as amended independent Claim 1. Furthermore, dependent Claims 2-15, are also novel and unobvious for at least substantially the same reasons as amended independent Claim 1, upon which they depend.

**CONCLUSION**

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

By 

John W. Branch

Registration No.: 41,633

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(206) 262-8900 • (212) 527-7701

Attorneys/Agents For Applicant

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